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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Arne E. Brandstrom
Serial No.: 854,739 Examiner: J. T. Fan
Filed : April 21, 1986 Group Art Unit: 121
For : BASE ADDITION SALTS
OF OMEPRAZOLE

December 9, 1987

RECEIVED

RESPONSE TO EXAMINER'S COMMENTS
ACCOMPANYING NOTICE OF ALLOWABILITY

DEC 23 1987

Hon. Commissioner of Patents and Trademarks

GROUP 120

Washington, D.C. 20231

Sir:

In the Notice of Allowability mailed October 16, 1987 for the above-captioned application, the Examiner appears to suggest that applicant may not have satisfied the requirements of 37 C.F.R. § 1.56, because no Form PTO-1449 was provided for the references attached as Exhibits to the declarations of record in this case. Applicant points out that these papers were cited, not because of any particular materiality to the claimed invention, but rather because they were relevant to showing that a general position taken by the Examiner was erroneous. As such, these references would probably not have been submitted in the absence of the Examiner's argument. Nevertheless, in view of the Examiner's remarks as to satisfying the duty of disclosure required by 37 C.F.R. § 1.56, applicant believes that these references should be fully considered and listed on the front of the patent.

The submission of the references in question was fully in compliance with the requirements of 37 C.F.R. § 1.56(b) since a copy of each reference was provided. Furthermore, the declarations list the references attached

thereto, and comment specifically on the relevance of each reference and the reasons for its submission. Thus, the requirements of 37 C.F.R. § 1.98(a) were also met. Applicant's merely did not list these references in a particular form (PTO-1449) and format, neither of which are required by the Rules of Practice.

Since the references mentioned by the Examiner in her remarks were properly of record before the issuance of the Notice of Allowance, and since the Examiner did consider the declarations to which the references were attached and at least some of the references for their substantive content (see Office Action dated July 21, 1987) applicant requests that the references be further reviewed by the Examiner and listed on the front of the patent. To facilitate this process, applicant encloses a PTO-1449 listing the references.

Prompt consideration of this request in view of the due date for payment of the issue fee on January 19, 1988 is earnestly solicited.

Respectfully submitted,


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Enclosure